

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 21, 2002

D041011 Time Warner Cable et al. v. Superior Court of San Diego County/Shahin

The petition is denied.

D040778 Farmers Insurance Exchange v. Superior Court of San Diego County/Johnson et al.

The petition is denied.

D038835 Redevelopment Agency of The City of San Diego v. Salvation Army

The judgment is affirmed. Kremer, P.J.; We Concur: McDonald, J., McIntyre, J.

D038380 In re the Marriage of Zamos

The order is affirmed. Respondent shall recover her costs on appeal. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

Court convened at 9:00 a.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

Clerk: D. E. Moore

D040033 In re Andre S., a Juvenile

D040385 In re Ondrea C. on Habeas Corpus

Causes called on merits. Joseph T. Tavano, Esq. argued for appellant. Suzanne Evans, Esq. argued for minor. Gary Seiser, Deputy County Counsel argued for respondent. Mr. Tavano replied. Cause submitted as to D040033, ONLY.

D038147 People v. Wilson

Cause called on merits. Martha L. McGill, Esq. argued for appellant. Carlson LeGrand, Deputy Attorney General argued for respondent. Ms. McGill replied. Cause submitted.

D038559 Syntron Bioresearch, Inc. v. Fan

Cause called on merits. No appearance by appellant's counsel. Helen Simkins, Irza, Esq. was present in oral argument for respondent and submitted on the briefs. Cause submitted.

Court recessed at 9:40 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and James McIntyre

Clerk: D. E. Moore

D038455 Shoberg v. Conam Management Corporation

Cause called on merits. Joshua D. Gruenberg, Esq. argued for appellant. Shirley A. Gauvin, Esq. argued for respondent. Mr. Gruenberg replied. Cause submitted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 21, 2002 (Continued)

D038462 Coast Regency Homeowners Association v. Balmer

Cause called on merits. David A. Niddrie, Esq. argued for appellant. Robert J. Hanna, Esq. argued for respondent. Mr. Niddrie replied. Cause submitted.

D037932) Gerard v. Qualcomm, Inc.

D038524) Gerard v. Qualcomm, Inc.

Cause called on merits. Michael C. Sullivan, Esq. argued for respondent. Todd Gabriel, Esq. argued for appellant. Cause submitted.

D038750 County of Los Angeles et al. v. Board of Equalization

Cause called on merits. Albert Ramseyer, Deputy County Counsel argued for appellant. Leslie Smith, Deputy Attorney General argued for respondent, Board of Equalization. Holly E. Kendig, Esq. argued for respondent, City of Long Beach. Mr. Ramseyer replied. Cause submitted.

Court adjourned at 2:56 p.m.

D040718 Paul L., v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Paul L. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D040900 Gregory N., et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kimberly N. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Kimberly N. is dismissed.

In re Joseph C., a Minor

Upon filing an abandonment of appeal, the appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 22, 2002

D036401 Barratt American, Inc. v. Transcontinental Insurance Company

The petition for rehearing and request for modification are denied.

D040829 Alex G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Alex G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041024 Pearson v. Superior Court of San Diego County/O.H.E., et al

The petition is denied.

D040403 People v. Granillo

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D040374 People v. Soto

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 23, 2002

D038806 People v. Baca

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D038250 People v. Jones et al.

The petition for rehearing is denied.

D040033 In re O. S., a Juvenile

D040385 In re O. S., on Habeas Corpus

(consolidated) The petition for habeas corpus is granted. The appeal is dismissed as moot. The trial court is to vacate the judgment terminating Lee's and Pamela's parental rights to O.S. and the order removing O.S. from Lee's care. The trial court is directed to appoint new counsel for Lee and to hold a new dispositional hearing as to Lee only, at which time Lee should be allowed an opportunity to establish himself as a biological, Kelsey S., or presumed father. The clerk of the court is directed to send a copy of this opinion to the State Bar. (Bus. & Prof. Code, § 6086.7, subd. (b).). CERTIFIED FOR PUBLICATION. Huffman, J., We Concur: Kremer, P.J., Haller, J.

D037163 People v. Carrillo

It is ordered that the opinion filed on October 10, 2002, is modified. There is no change in judgment. The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 24, 2002

D037201 Merryweather v. Pecheles

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McConnell, J.

D039904 People v. Murphy

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D040890 Porter et al. v. Superior Court of San Diego County/Porter

The petition is denied.

D039473 People v. Balderas

Judgment affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

D037740 People v. Jones, Jr.

We direct the court to correct the abstract of judgment to reduce the sentence on the great bodily injury enhancement from four years to three years and to send the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. O'Rourke, J.; We Concur; McIntyre, Acting P.J., McConnell, J.

D040404 People v. Carter

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 37(b). The appeal is dismissed.

D041002 Heavenly Oaks Residential Community, LLC v. Sarantos

The appeal is dismissed for appellant's failure to timely designate the record.

D040852 In re Estate of Maes

The appeal is dismissed for failure of appellant to timely deposit costs, and a portion of the clerk's designation is non-specific.

D036377 People v. Phanbandith

The judgment is affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D039538 People v. Benitez

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D040818 Roberta H., v. Superior Court of the County of Imperial/Imperial County
Department of Social Services**

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D036167 Whispering Ridge Homeowners Association v. Chaudry

The judgment is affirmed. Respondent is awarded \$7,184 attorney fees on appeal. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 24, 2002 (Continued)

D040848 Frazee Industries, Inc. v. Superior Court of San Diego County/Rizzi et al.
The petition is denied.

**D040983 Lewis v. Superior Court of San Diego County/San Diego County Sheriff's
Department**
The petition is denied.

D039145 Searle v. Wyndham International, Inc.
The petition for rehearing is denied.

**D040982 Nathan v. Superior Court of San Diego County/San Diego County Sheriff's
Department**
The petition is denied.

D040981 In re Nelson on Habeas Corpus
The petition is denied.

D040978 In re Nathan on Habeas Corpus
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
October 25, 2002

D040942 People v. Superior Court of San Diego County/Cole National Corporation

Let a writ issue directing the superior court to vacate its September 26 order and enter a new order confirming the case assignment to Judge Cowett. The stay imposed on October 9 is vacated. This opinion is made final immediately as to this court. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D034916 People v. Cochran

The judgment is affirmed. CERTIFIED FOR PUBLICATION. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D038825 People v. Blackmon

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

**D040984 Green v. Superior Court of San Diego County/San Diego County Sheriff's
Department**

The petition is denied.

D039116 Greater Perris Valley Industrial Association et al. v. County of Riverside et al.

The order is reversed to the extent it denied appellant's motion for an offset and associated relief against respondent, and is affirmed in all other respects. The matter is remanded with directions that the trial court conduct further proceedings consistent with this opinion. County shall be awarded its costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D039017 People v. Murdock

The petition for rehearing is denied.

D040453 Comps Infosystems, Inc. v. Blout

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).